

Court of Appeals, Division One

Industrial Commission

1 CA-IC 23-0010

GRAY v. COURTYARD TOWERS DBA/CHURCH MUTUAL

Appellate Case Information

Case Filed: 2-Aug-2023

Case Closed:

Dept/Composition

Department D

Hon. Samuel A Thumma
Hon. Jennifer B Campbell
Hon. Michael J Brown

Side 1. SHIRLEY GRAY, Petitioner

(Litigant Group) SHIRLEY GRAY

- Shirley Gray, Petitioner Employee

PRO SE

Side 2. THE INDUSTRIAL COMMISSION OF ARIZONA,

Respondent,

COURTYARD TOWERS DBA,

Respondent Employer,

CHURCH MUTUAL INSURANCE CO,

Respondent Carrier.

, Respondent

(Litigant Group) ICA

- Industrial Commission of Arizona

Attorneys for: Respondent ICA

Afshan Peimani, Esq. (AZ Bar No. 26156)

(Litigant Group) COURTYARD TOWERS DBA/CHURCH MUTUAL INSURANCE CO

- Courtyard Towers DBA, Respondent Employer

Attorneys for: Respondent Employer/Carrier

Stephen C Baker, Esq. (AZ Bar No. 9010)

- Church Mutual Insurance Co, Respondent Insurance Carrier

CASE STATUS

Aug 30, 2024....Pending in ASC

PREDECESSOR CASE (S)

Table with 6 columns: Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: ICA, 20213370025, Michelle Bodi, Administrative Law Judge. Row 2: INSCA, 005484-009207-WC-01, Comments: (none).

DESCENDENT CASE (S)

ASC CV-24-0205-PR

CASE DECISION

18-Jul-2024 OPINION

Amended Per Order Filed 8/14/2024

Filed: 18-Jul-2024

Mandate:

Jennifer Campbell.....Author
Samuel Thumma.....Concur
Michael Brown.....Concur

Decision Disposition

Award Set Aside

26 PROCEEDING ENTRIES

- 1. 2-Aug-2023 FILED: Petition for Special Action - Industrial Commission (Petitioner Pro Per)
2. 2-Aug-2023 FILED: Letter, 08/02/2023, to Petitioner from Court Re: filing fee or enclosed Application for Deferral of Fees due on/before 08/14/2023, or petition will be subject to dismissal

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3. 14-Aug-2023 FILED: Application for Deferral or Waiver of Court Fees or Costs (Petitioner Pro Per)
4. 14-Aug-2023 FILED: Notice Of Appearance Of Respondents Courtyard Towers DBA/ And Church Mutual Insurance Co.; Certificate of Service (Respondent Employer/Carrier)
5. 16-Aug-2023 ORDERED: Application for Deferral or Waiver of Court Fees or Costs (Petitioner Pro Per) = DEFERRAL GRANTED. Applicant shall pay \$20 each month until paid in full beginning 8/30/23. Amy M Wood - Author
6. 17-Aug-2023 FILED: Writ of Review
FILED: Certificate of Mailing re: Writ of Review
7. 18-Aug-2023 RECEIPT No.: 2023-00780 ; \$140.00, Authorization: #30009265930, Applied to: COURTYARD TOWERS DBA/CHURCH MUTUAL INSURANCE CO - Class B Filing Fee (\$140.00) Paid for: Jardine Baker Hickman & Houston PLLC - By nCourt LLC
8. 23-Aug-2023 FILED: e-Record on Appeal:
ALJ Hearing File (1 volume)
Claims File (1 volume)
9. 23-Aug-2023 FILED: Notice of Appearance; Certificate of Service: Notice of Appearance (Respondent ICA)
10. 2-Oct-2023 FILED: Opening Brief (Petitioner Pro Per)
11. 18-Oct-2023 ORDERED: That petitioner must file the certificates of compliance and service by 10/30/2023. If the certificates are not timely filed, the court may impose sanctions, including striking the opening brief. Barbara Vidal Vaught ProTem Judge - Author
12. 26-Oct-2023 FILED: Untitled (Motion for Clarification) (Petitioner Pro Per)
13. 27-Oct-2023 ORDERED: Untitled (Motion for Clarification) (Petitioner Pro Per) = GRANTED. FURTHER ORDERED: Extending the deadline for petitioner to file the certificates of compliance and service from 10/30/2023 to 11/09/2023. No further extension will be granted. If the certificates are not timely filed, the court may impose sanctions, including striking the opening brief and dismissing this special action. FURTHER ORDERED: Directing the Clerk's office to send appellant a copy of Arizona Rules of Civil Appellate Procedure 4(g), 14(a)(5) and 15(d)(1) with this order. FURTHER ORDERED: Vacating the 11/20/2023 due date for the answering brief. The court will set a new deadline to file the answering brief after petitioner files the certificates of compliance and service. Barbara Vidal Vaught ProTem Judge - Author
14. 6-Nov-2023 FILED: Opening Brief (Includes Certificate of Service) (Petitioner Pro Per)
15. 6-Nov-2023 FILED: (Untitled) Certificate of Service (Petitioner Pro Per)
16. 7-Nov-2023 ORDERED: Accepting the opening brief filed 11/06/2023 in place of the brief filed 10/02/2023. FURTHER ORDERED: The deadline to file the answering brief is 12/18/2023. Barbara Vidal Vaught ProTem Judge - Author
17. 11-Dec-2023 FILED: Answering Brief (Petitioner Pro Per)

[Stricken Per Order Filed 12/14/2023]
18. 14-Dec-2023 ORDERED: Striking the answering brief filed by petitioner on 12/11/2023. Respondents' deadline to file an answering brief remains 12/18/2023. Barbara Vidal Vaught ProTem Judge - Author
19. 18-Dec-2023 FILED: Answering Brief; Certification of Compliance for Answering Brief; Certificate of Service for Answering Brief (Respondent Employer/Carrier)
20. 26-Feb-2024 CLNDR: CONFERENCE, Department D, 4-10-24, COURTROOM 2.
21. 18-Jul-2024 OPINION (Award Set Aside) Hon Jennifer B Campbell - Author; Hon Samuel A Thumma - Concur; Hon Michael J Brown - Concur
22. 18-Jul-2024 FILED: Decision Distribution Notification
23. 2-Aug-2024 FILED: Motion for Reconsideration; Certificate of Compliance for Motion for Reconsideration; Certificate of Service for Motion for Reconsideration (Respondent Employer and Carrier)
24. 14-Aug-2024 ORDERED: Motion for Reconsideration (Respondent Employer and Carrier) = DENIED. FURTHER ORDERED: Amending the Opinion issued 07/18/2024, by deleting "remanded" in the caption, "remand for further proceedings" in paragraph 1, and by deleting the second sentence of paragraph 18 in its entirety. FURTHER ORDERED: Inserting "award set aside" in the caption, "set aside the award denying relief from the dismissal" in paragraph 1, and, as the final sentence of paragraph 18, "We therefore set aside the award denying relief from the dismissal." The balance of the opinion remains the same. Hon Jennifer B Campbell - Author
25. 30-Aug-2024 FILED: Email Notice from ASC re: Petition for Review filed 08/29/2024; request for partial record

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26. 3-Sep-2024 FILED: Letter forwarding partial record to Arizona Supreme Court